

APPENDIX A.

AGENDA OF THE DASARA SESSION OF THE
REPRESENTATIVE ASSEMBLY, OCTOBER 1928:*(Except Questions and Representations.)***Statements of Government Business to be placed before
the Assembly.***I. General Principles of the Amendment to the Prevention
of Adulteration Regulation.*

In Section 2 of the Mysore Prevention of Adulteration Regulation, the term "local executive officer" is defined as follows:—

"In any Municipality, the President or Chairman of the Municipal Council and in other local areas, the President of the Taluk Board, or if there is no Taluk Board, the President of the District Board, or if there is no Taluk or District Board, such public servant as may be designated by Government, etc."

In view, however, of the creation of the appointment of Municipal Commissioner as the Chief Executive Officer and the abolition of Taluk Boards under the District Boards Regulation, 1925, the definition requires to be changed. It is proposed in this draft bill to provide for these changes.

Again, in Sections 12 (i) and 17 of the Regulation, it is not stated what class of Magistrates should try offences coming under the Regulation. With a view to strictly enforce the provisions of the Regulation, it is proposed that such cases should ordinarily be tried by First and Second Class Stipendiary Magistrates and by a Bench of Magistrates only when they are specially empowered in this behalf. These changes in the Regulation are for the approval of the House.

*II. Statement of General principles of the Bill further to
amend the Mysore Mines Regulation, 1906.*

Under Section 17 of the Mysore Mines Regulation, 1906, the Superintendent of Police, Kolar Gold Fields, may by order in writing direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area

within 24 hours and such person cannot thereafter remain at or re-enter the said area without the permission of that officer. But the expression "undesirable" is not defined, the nature of the charge is not required to be intimated to the person concerned, no previous inquiry is prescribed and no limit is laid down as to the period during which an order passed under the Section may remain in force. A resolution moved in the Legislative Council in June 1925 brought prominently to notice the absence of these safeguards and in pursuance of the assurance then given by Government the question has been carefully considered and it is proposed to amend the Section so as to remedy the defects referred to above as far as possible. Briefly, the amendment in view is to define the classes of persons liable to be treated as undesirable for the purposes of this Section and to provide for an opportunity being given ordinarily to such persons to show cause before they are ordered to quit and for such orders having effect, in the case of subjects of His Highness the Maharaja paying kadayam, only for six months in the first instance.

It is proposed also to take this opportunity to amend Section 35 (2) of the Regulation so as to enable the Government to invest the Kolar Gold Fields Sanitary Board with the power to write off irrecoverable sums due on account of taxes, rates or cases within the area under their management. This enabling provision is found necessary for the sake of administrative convenience.

III. Memo explaining the principal features of the Bill to amend the Income-tax Regulation, 1923.

The following are the chief changes proposed:—

(1) Allowing deduction as a business expenditure, the difference between the original cost of the animals purchased for draught purposes and the amount realised by their disposal ;

(2) requiring the principal officer of every company to notify annually to the Income-Tax Department all the dividends paid to share-holders in excess of a sum to be prescribed by the rule, in order to ascertain accurately the income of assesseees from this source ;

(3) prescribing procedure for assessment in the year following that in which partition is effected in a Hindu undivided family ;

(4) laying down the procedure for assessment in

cases in which there is a change in the constitution of an assessee, as for example, where a firm becomes company and also in cases where there is a change in the personnel of a firm ;

(5) conferring on the Deputy Commissioners of Income-Tax and the Commissioner the power to rectify mistakes in their appellate or review orders which they do not at present possess ;

(6) making the law more definite in respect of the assessment of the profits from import trade conducted in Mysore by agencies or branches of non-resident assesseees ;

(7) empowering Income-Tax Officers to impose a penalty of less than the maximum and to increase it successively up to the maximum in cases of continuing default ;

(8) providing for deduction at source of super-tax payable on dividends due to non-resident share-holders ;

(9) empowering the framing of rules to find out the income, profits, etc., liable to tax of quasi-agricultural concerns such as tea companies ; and

(10) making a definite provision to the effect that the references in Income-Tax cases to the Chief Court should be heard by a Bench of not less than two Judges and where such Judges disagree, the cases should be referred to a Full Bench.

IV. A Bill to amend the Government Savings Banks Act, 1873, as in force in Mysore.

Whereas it is expedient further to amend the Government Savings Banks Act, 1873, as in force in Mysore, it is hereby enacted as follows:—

1. In Section 3 of the Government Savings Banks Act, 1873, (hereinafter referred to as the said Act) for the definitions of “Secretary” and “Minor,” the following shall be substituted, *viz*:—

“Secretary” means, if the deposit is in a Taluk Treasury, the Amildar of the Taluk, and if it is in a District Treasury or the State Huzur Treasury, the Officer in immediate charge of such Treasury.

“Minor” means a person who has not completed the age of eighteen years or, if he is not domiciled in Mysore, has not attained majority according to the law to which he is subject.

2. For Section 4 of the said Act, the following section shall be substituted, *viz.*,—

Substitution of a new Section
for Section 4.

“4. If a depositor dies and probate of his will, or letters of administration of his estate, or a certificate granted under the Succession Certificate Regulation, 1901, is not, within three months of the death of the depositor, produced, then

(a) If the deposit does not exceed one hundred rupees, the Secretary may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased;

(b) If the deposit does not exceed three thousand rupees, the Deputy Commissioner of the District in which the deposit is made, and the Comptroller to the Government, when the deposit is made in the State Huzur Treasury, may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased.”

3. In Sections 6 and 7 of the said Act, between the Ammendment of words “the Secretary of any such Bank” Sections 6 and 7. and the word “may,” the following words shall be inserted, *viz.*,—

“The Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be,”

4. In Section 8 of the said Act, for the word “one” between the the words “exceed” and “thousand,” the word “three” shall be substituted and

Ammendment of Section 8. in proviso to the section, between the words and comma “the Secretary of such Bank,” and the word “and,” the following words and commas shall be inserted, *viz.*,—

“The Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be,”

5. In Section 14 of the said Act, the words “by the Secretary of the Bank,” shall be deleted.

Ammendment of Section 14.

STATEMENT OF OBJECTS AND REASONS. /

The main object of the Bill is to facilitate withdrawal of small sums of money left in the Government Savings Bank accounts of deceased depositors. At present a deposit

not exceeding Rupees One Thousand (1,000) may be paid without production of a probate of will, letters of administration, or a succession certificate. In the amendment, this limit is proposed to be raised to Rupees Three Thousand (3,000), following the corresponding law in British India.

The Deputy Commissioners, in the case of deposits in Savings Banks in their districts, and, the Comptroller to the Government, in the case of deposits in the State Huzur Treasury, will be authorised to make payments up to the enhanced limit. With a view to provide for the prompt payment of small balances, it is also proposed to authorise the Officers in charge of Taluk, District, and State Huzur Treasuries to pay sums not exceeding Rupees One Hundred (Rs. 100) without production of probates of wills, letters of administration, or succession certificates.

V. Statement of general Principles in regard to Amendment of the Mysore Lunacy Regulation.

At the June Session of the Legislative Council of 1926 a resolution to the effect that the name 'Lunatic Asylum' be changed into 'Mental Hospital' was moved and was accepted by Government. This change involves an amendment of Clause I of Section 2 of the Mysore Lunacy Regulation.

The Senior Surgeon has proposed an amendment to Section 2 (2) of the Regulation, so that the definition of the term "cost of maintenance" may be made wide enough to include all charges that may be legitimately recovered under Sections 10 and 23 of the Regulation. This proposal is based on the amendment made to the corresponding Section of the Indian Lunacy Act.

It is proposed to provide for these two changes in the Amending Bill.

VI. Statement of General Principles regarding the Contempt of Courts Bill.

The Chief Court of Mysore has no satutory power to punish contempts of their proceedings committed out of Court or of contempts of subordinate Courts. Such a power is vested in the High Courts and Chief Courts in British India. It is obvious that without adequate protection to Courts of Justice in this direction they would lose their hold upon public respect and the maintaining of Law and order would also be rendered ineffective. Hence it is necessary that the

power of punishing for contempts should be vested in the Chief Court.

It is proposed that contempt of court may, when not otherwise provided by any Law, be punished with simple imprisonment up to six months, or a fine which may extend to Rs. 2,000, or with both. Provision will be made for discharging the accused or remitting the punishment on apology being made to the satisfaction of the Court.

The Chief Court will be empowered to take cognizance of any contempt in respect of itself or of a Court subordinate to it, but it shall not do so when the contempt is punishable under the Indian Penal Code and is in respect of a subordinate Court.

BANGALORE, }
12th October 1928. }

B. NAGAPPA,
Ex-OFFICIO Secretary,
Representative Assembly.

II.

VII. *Statement of General Principles to amend the Civil Procedure Code.*

With a view to afford facilities to the insured in the Official and Public Branches of the Mysore State Life Insurance and to the public in general for making provision for the maintainance of themselves or of their dependents in the form of assured incomes for a term of years, Government have recently sanctioned a scheme of "Term Annuities" or "Income Policies" according to which annuities for a term of years up to a maximum period of 30 years may be purchased from the Mysore State Life Insurance Committee by making lump sum payments. The scheme is intended to promote thrift and encourage the habit of making provisions for persons who for one reason or another may not be able to provide for their own maintainance. A provision of this nature requires protection for securing the object in view. It is accordingly proposed to exempt from attachment by Civil Courts, annuity payments not exceeding Rs. 1,200 per annum.

A Bill to Amend Regulation No. III of 1911 for certain purposes.

Whereas it is expedient to further amend Regulation No. III of 1911 for certain purposes hereinafter appearing: It is hereby enacted as follows:—

I. (i) This Regulation may be called the Code of Civil
Short title and Commence- Procedure (Amendment) Regula-
ment tion.

ii It shall come into force at once.

II. To the particulars under the proviso to Section 60 the following shall be added:—

“(S) Annuity payments under the scheme of “Income Policies” issued by the Mysore State Life Insurance to the extent of,

1 the whole, where the annuity due to a payee does not exceed Rs. 1,200 per annum;

2 Rs. 1,200 per annum where the annuity due to a payee exceeds this amount.”

BANGALORE, } 15th October 1928. }	B. NAGAPPA, Ex-OFFICIO Secretary, Representative Assembly.
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RESOLUTIONS.

1. That this Assembly recommends to the Government of His Highness the Maharaja that for every 100 head of cattle 50 acres of gomal may be allotted.

MOVER.—MR. G. VENKATARAMANA GOWDA (Kankanhalli Taluk).

2. That this Assembly recommends to the Government of His Highness the Maharaja that Kannada be adopted as the medium of instruction in all Secondary Schools of the State.

MOVER.—MR. V. VENKATAPPA (Channapatna Taluk).

3. That this Assembly recommends to the Government of His Highness the Maharaja that early steps be taken to prevent the alarming increase of beggary by able-bodied persons in the State by penalising the same by providing work-houses and infirmaries for the weak and disabled and by passing legislative measures licensing religious mendicants.

MOVER.—MR. B. L. BYANNA (Bangalore City Municipality).

4. That this Assembly recommends to the Government of His Highness the Maharaja the desirability of enacting a legislative measure in terms of the accompanying Bill known as the Hindu Law of Inheritance Bill. (*Vide* Appendix.)